

SENATE BILL REPORT

SB 5234

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
FEBRUARY 10, 1993**

Brief Description: Revising provisions relating to vacancies.

SPONSORS: Senators Snyder, Gaspard, Wojahn, Bauer and Winsley

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 5, 1993; February 10, 1993

BACKGROUND:

Whenever there are three vacancies on a board of county commissioners, the Governor appoints two commissioners and whenever there are two vacancies, the Governor appoints one commissioner. Statute provides that the two members then appoint the third member. If the two cannot agree within five days of their appointment, the Governor appoints the third member. This provision regarding the appointment of the third member of the board is inconsistent with Article II, Section 15 of the State Constitution which provides for the nomination of three persons by the county central committee of the political party of the member whose seat is vacant. The Constitution provides 60 days from the occurrence of the vacancy for the board of county commissioners to act before appointment authority shifts to the Governor.

If a vacancy occurs in any partisan state or county office prior to the fourth Tuesday prior to the primary for the next general election, a successor is elected at that general election. Other than in the last year of a term, if a vacancy occurs on or after the fourth Tuesday prior to the primary during the last year of the term of office, the election of the successor occurs at the next succeeding general election.

There is no statute expressly addressing the location of the county commissioner meeting at which the decision to fill a vacancy in the state Legislature is made.

Elective officials may file and run for another office during their existing term of office without forfeiting their existing office. Running for a different office at mid-term is sometimes referred to as "a free ride."

SUMMARY:

When a vacancy exists for one of three county commissioner positions, the vacancy is filled in accordance with Article II, Section 15 of the State Constitution.

When a vacancy occurs in a state executive elective office or partisan county office prior to the fourth Tuesday before the primary in the third year of the term of the office, a successor shall be elected at the general election which follows the fourth Tuesday before the primary which follows the vacancy. When a vacancy occurs in the state Senate at any time before the fourth Tuesday before the primary in the second year of the term of office, a successor shall be elected at the mid-term, even-year general election. When a vacancy occurs in the state Senate after the fourth Tuesday before the primary in the second year of the term of office or in the state House of Representatives at any time, the appointed successor under Article II, Section 15 of the State Constitution shall serve for the remainder of the unexpired term.

When a county legislative authority or authorities meet to select a person to fill a vacancy in the state Legislature, the meeting is conducted at a location within the legislative district.

An elective office becomes vacant whenever the incumbent files a declaration of candidacy for a public elective office for a term which shall commence more than 75 days prior to the completion of the incumbent's current term of office.

EFFECT OF PROPOSED SUBSTITUTE:

The provision detailing when a successor is elected is clarified. Appointees to county partisan offices serve until the next general election in either an odd or even-numbered year.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The legislation is needed companion legislation to SJR 8208. The "free ride" for state senators who run for another office at mid-term is eliminated. It is felt these senators are often distracted from their Senate responsibilities.

TESTIMONY AGAINST: None

TESTIFIED: Senator Snyder, prime sponsor